

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff(s),

**CASE NUMBER: 06-20185
HONORABLE VICTORIA A. ROBERTS**

v.

**ROY CHRISTOPHER WEST,
ALVINO DEWIGHT CORNELIUS,
MARCUS LAMONT FREEMAN,
MICHAEL ELDREN BRACEY, and
ALSEDDRICK DEWUNN WEST,**

Defendant(s).

**ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT**

This matter is before the Court on Alvino Cornelius's "Motion to Strike Surplusage from Indictment" (Michael Bracey, Marcus Freeman, and Roy West join) (Doc. #363). According to Defendants, several paragraphs in the Manner and Means section of the Indictment must be stricken because they contain prejudicial and irrelevant statements regarding threats to kill persons other than Leonard Day:

5. During the ensuing conversations between and amongst ALVINO DEWIGHT CORNELIUS, MICHAEL ELDREN BRACEY and ALSEDDRICK DEWUNN WEST, each expressed an intent to kill Day and/or Day's family and associates.
6. On November 11, 2005, ROY CHRISTOPHER WEST told ALVINO DEWIGHT CORNELIUS that he had contacted [Kenisha] Crawford by telephone and told her, "I got a hit out on everybody in her family."

7. ROY CHRISTOPHER WEST, after hearing from MICHAEL ELDREN BRACEY that Crawford was in a CVS store near the Days Inn Hotel, attempted to abduct her in the store parking lot. Crawford ran into the CVS store for protection, and the Detroit Police and FBI were called. While Crawford was in the CVS store, ROY CHRISTOPHER WEST contacted her by telephone and warned her that she had better “do anything possible to contact him [Day] . . . or it’s your life and your family’s life (sic).”
8. As a result of the attempted abduction of and threats to Crawford, Detroit Police officers went to the Pontchartrain Hotel on November 12, 2005 to arrest ROY CHRISTOPHER WEST.

While the Government intends to prove these allegations at trial, it does not object to omitting them when the Indictment is presented to the jury. Defendants’ motion is **GRANTED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 27, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 27, 2009.

s/Carol A. Pinegar
Deputy Clerk